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527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

527 CMR 34.00: RUBBISH HANDLING

Section

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34.01: Scope

527 CMR 34.00 shall apply to the storing or handling of combustible rubbish inside of or in the vicinity of any building or structure.

34.02: Definitions

For the purpose of 527 CMR 34.00, the following terms shall have the meanings respectively assigned to them:

Building: A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or similar covering, whether or not permanent in nature. The word "building" shall be construed where the context requires as though followed by the words "or parts thereof".

Combustible Rubbish: Any fragmented combustible material regardless of value, and any combustible waste material, including floor sweepings, paper packing, upholstery materials, cardboard, shavings, wood scrap, furniture, hay, straw, grass, combustible fiber materials, clothing, bed clothing, by-product waste from industrial operations, mixtures of any of these, or similar combustible materials in any proportions.

Listed: Equipment or materials included in a list published by an organization acceptable to the Marshal, and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that equipment or materials meet appropriate standards or have been tested and found suitable for use in a specific manner.

Owner: Every person who alone or jointly or severally with others:

- (a) has legal title to any building or structure; or
- (b) has care, charge, or control of any building or structure in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- (c) lessee under a written letting agreement; or
- (d) mortgagee in possession; or
- (e) agent, trustee or other person appointed by the courts. Each such person shall to comply with the provisions of 527 CMR 34.00.

Self-Closing Fire Door: A fire door that returns to the closed position when opened and released and which in combination with a frame, hardware, and other accessories provides a specific degree of fire protection to the opening.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna, or the like. The word "structure" shall be construed, where the context requires, as though followed by the words, "or part or parts thereof".

34.02: continued

Waste Compactor: Any device using electrical, hydraulic or mechanical means to reduce the volume of waste and package it into a smaller unit of size.

Waste Storage Room: Any room used for the keeping, storage or handling of combustible rubbish of six cubic yards or more; loose, baled or compacted.

34.03: Permits Required

The owner, lessee or refuse generator of any premises shall obtain a permit from the head of the fire department for rubbish containers, which are emptied by mechanical assistance, of six cubic yards or more in the aggregate of compacted or uncompacted combustible rubbish. Permits shall state container location(s) and the name and telephone number of the company or person who can be reached in an emergency.

No permit shall be required for containers which are delivered to a location and removed in the course of a single business day.

34.04: Special Hazard Rubbish

(1) Hot coals, cinders, hot scrap metal, and similar substances shall not be deposited in combustible containers, or kept or stored so as to ignite combustible material. Such substances shall not be mixed with combustible rubbish or stored in the same containers. Such substances shall be kept, handled, or stored inside buildings only in noncombustible receptacles approved by the head of the fire department for that purpose and location. Such substances shall be kept, handled, or stored outside of building locations so that they cannot ignite buildings on the premises or adjacent premises and will not endanger people.

(2) Substances subject to spontaneous heating or ignition, such as oily or greasy rags, or other materials or combinations of materials, shall not be deposited in combustible containers or so kept or stored as to ignite combustible material. Such substances shall not be mixed with combustible rubbish or stored in the same containers. Materials subject to spontaneous ignition shall be kept in listed metal receptacles equipped with self-closing hinged covers designed to guard against the hazard of spontaneous combustion. Contents shall be emptied every night and disposed of properly.

(3) Materials such as those compounded with hazardous chemicals which tend to be reactive with other materials shall not be mixed with combustible rubbish or kept, handled, or stored in the same containers. Such materials shall be kept or stored in containers approved by the head of the fire department. Hazardous waste shall be disposed of in accordance with the regulations of the state Department of Environmental Protection (DEP).

34.05: Containers

(1) Rubbish containers when they are small enough to be moved by one person shall have a removable or hinged cover which shall be kept in place unless the container is being filled or emptied.

(2) Containers which require mechanical assistance to be moved shall be provided with a means of access to their interior, without disconnecting from a compactor unit or they shall have a minimum port opening of two inches in diameter through which water may be introduced for extinguishing fire. The port opening shall be labeled "FIRE HOSE PORT" or similar wording. Containers which are not part of a compactor unit shall not be required to have the additional openings or hose connections for fire extinguishment, if they are provided with a cover to make the contents accessible during firefighting operations. The cover of such a container shall remain closed except when the container is being filled or emptied. 527 CMR 34.05(2) shall apply to containers installed or replaced after 8/28/92. Containers in use subsequent to 8/28/92 shall be retrofitted to comply with the provisions of 527 CMR 34.00 by 8/28/95.

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34.05: continued

- (3) Containers shall not be placed at any location as to become an obstacle to the egress of persons from buildings or to vehicle traffic or as to obstruct operations of the fire department personnel during a fire or other emergency.
- (4) Containers which require mechanical assistance to be moved, shall be marked with the name and telephone number of the company or person from which emergency service to expedite movement of the container can be obtained.
- (5) Containers adjacent to buildings shall not be placed so the top of the container is less than five feet vertically and horizontally below any window or other opening, unless otherwise approved by the head of the fire department.

34.06: Waste Storage Rooms

- (1) All openings in waste storage rooms shall be protected by automatic self-closing fire doors. These doors may not open into paths of egress.
- (2) A room of a building or structure shall comply with the requirements for a waste storage room if it is used for keeping, handling, or storing of rubbish, loose, compacted or baled in an amount exceeding six cubic yards for more than 24 hours.
- (3) Waste storage rooms shall not contain boilers or furnaces used for the central heating of buildings.
- (4) Waste storage rooms shall be provided with automatic sprinklers installed in accordance with 780 CMR. The domestic cold water supply shall be acceptable for the automatic sprinkler feed. A minimum one half inch diameter hand hose of adequate length to reach all portions of the room shall be provided.

34.07: Waste Chutes

- (1) Interior waste chutes shall be installed in accordance with the provisions of NFPA 82 and shall terminate in waste storage rooms as defined in 527 CMR 34.02.
- (2) Instructions describing the size and type of waste which may be deposited in the chute shall be posted at each service opening.
- (3) Waste chutes used in conjunction with the construction, repair or alteration of a building shall discharge to the outside.

34.08: General

- (1) Combustible rubbish or rubbish in combustible containers shall not be kept, handled, or stored in any building for more than 24 hours except in a waste storage room conforming to the requirements of 527 CMR 34.06.
- (2) All container units which can be moved without mechanical assistance shall, at the end of each rubbish collection cycle, be emptied and the contents properly stored in a waste storage room, or the container and contents shall be stored in a waste storage room.

34.09: Referenced Publications

Documents or portions thereof that are referenced within 527 CMR 34.00 shall be considered a part of the requirements of 527 CMR 34.00. Refer to 527 CMR 49.00 for a complete listing of all documents referenced in 527 CMR.

REGULATORY AUTHORITY

527 CMR 34.00: M.G.L. c. 148, § 10.

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